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NO. 5533 P. 2

AUG 22 2006

Atty. Dkt. No. 029488-0112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jay BUA

Title: REDUCTION OF BREAST
DENSITY WITH 4-HYDROXY
TAMOXIFEN

Appl. No.: 10/734,644

Filing Date: 12/15/2003

Examiner: B. Fetterolf

Art Unit: 1642

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<i>Rachel Caputo</i> (Printed Name)	
<i>Rachel Caputo</i> (Signature)	
August 22, 2006 (Date of Deposit)	

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated February 24, 2006, and in the Advisory Action dated July 7, 2006, finally rejecting Claims 1-12.

Applicant claims small entity status.

Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Notice of Appeal Fee

To be paid as detailed below

Not required (Fee paid in prior appeal)

08/23/2006 MBINAS 00000026 10734644

01 FC:2401 250.00 OP
02 FC:2253 510.00 OP

Atty. Dkt. No. 029488-0112

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$500.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$1,520.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract 1/2 of above):	\$760.00
	TOTAL FEE:	\$760.00

A credit card payment form in the amount of \$760.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: August 22, 2006
 FOLEY & LARDNER LLP
 Customer Number: 22428
 Telephone: (202) 672-5404
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By _____

 Stephen A. Bent
 Registration No. 29,768
 Attorney for Applicant

 By Richard J. Warburg
 Registration No. 32,327

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Total number of pages (including this page): 4

TO:	PHONE #:	FAX #:
Examiner B. Fetterolf Group Art Unit 1642 U.S. Patent and Trademark Office	571-272-2919	571-273-8300

From : Richard J. Warburg, Ph.D.
On behalf of Stephen A. Bent
Email Address : rwarburg@foley.com
Sender's Direct Dial : 858.847.6767
Date : August 22, 2006
Client/Matter No : 029488-0112
User ID No : 9055

MESSAGE:

Re: Serial No. 10/734,644

Enclosed for submission in the subject application is the following:

1. Notice of Appeal (2 pages); and
2. Credit Card Payment Form (1 page).

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Rachel Caputo
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Cover Page 1 of 1

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PAGE 1/4 * RCVD AT 8/22/2006 7:13:10 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/6 * DNI:2738300 * CSID: * DURATION (mm:ss):01:20